

REMARKS

Claims 13 and 14 have been added. No new matter was added. Accordingly, claims 1, 3, 5, 6, 8-10 and 12-14 are pending. Independent claims 1 and 5 have been amended to distinguish over the prior art of record. Accordingly, Applicant submits that the present application is in condition for allowance.

I. Claim Rejections - 35 USC 103(a)

- A. *In the FINAL Office Action dated October 16, 2008, claims 1, 3, 5 and 6 are rejected under 35 USC 103(a) as being obvious over U.S. Patent No. 3,892,490 issued to Uetsuki et al.*

The FINAL Office Action includes the following statement:

“... if the applicant were to amend the claims to reflect the electron beam striking the material under the cover of the shield, then the art rejection over Uetsuki would be removed.”

Based on the above statement, Applicant has amended independent claims 1 and 5 to require that the beam of electrons strike/impact the material at a location underneath the shield. With this arrangement, secondary electrons are trapped under the shield and cannot reach the substrate.

More specifically, with respect to the claimed “surface” of material and “shield”, independent method claim 1, as amended, requires “a shield opaque to electrons being arranged to cover a portion of the surface including a location underneath the shield at which location said beam of electrons impacts the surface”. No new matter was added. For example, see FIG. 1 and page 3, line 29, to page 4, line 7, of the present application, as filed.

Independent apparatus claim 5 has been amended in a like manner and requires “a shield opaque to electrons arranged to cover a portion of the container including a location underneath

said shield at which location said beam of electrons impacts a surface of the material". No new matter was added. For example, see FIG. 1 and page 3, line 29, to page 4, line 7, of the present application, as filed.

Finally, new method claims 13 and 14 were added. No new matter was added. The subject matter of new independent method claim 13 is supported and disclosed by claim 1 of the present application. It requires a step of "contacting the surface with a beam of electrons such that the beam of electrons is incident on the portion of the surface covered by the shield". Thus, claim 13 recites the word "incident" which is the same word stated on page 4, line 1, of the present application, as filed. The subject matter of new dependent claim 14 is disclosed on page 4, lines 2-3, of the present application, as filed.

Accordingly, for reasons already determined and stated by the Examiner in the FINAL Office Action, Applicant respectfully submits that the rejection based on Uetsuki et al. has been overcome. Applicant respectfully requests reconsideration and removal of the rejection.

B. In the FINAL Office Action dated October 16, 2008, claims 8-10 and 12 are rejected under 35 USC 103(a) as being obvious over U.S. Patent No. 3,892,490 issued to Uetsuki et al. in view of U.S. Patent No. 4,303,694 issued to Bois or U.S. Patent No. 4,514,437 issued to Nath.

The FINAL Office Action includes the following statement:

"... if the applicant were to amend the claims to reflect the electron beam striking the material under the cover of the shield, then the art rejection over Uetsuki would be removed."

Based on the above statement, Applicant has amended independent claims 1 and 5 to require that the beam of electrons strike/impact the material at a location underneath the shield.

Accordingly, for reasons already determined and stated by the Examiner in the FINAL Office Action, Applicant respectfully submits that the rejection based on Uetsuki et al. in view of the secondary prior art has been overcome. Applicant respectfully requests reconsideration and removal of the rejection.

II. Conclusion

In view of the amendments and remarks, Applicant respectfully submits that the rejections have been overcome and that the present application is in condition for allowance. Thus, a favorable action on the merits is therefore requested.

Please charge any deficiency or credit any overpayment for entering this Amendment to our deposit account no. 08-3040.

Respectfully submitted,
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